

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Regional Headquarters  
2300 N. Dr. ML King Drive, PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-263-8500  
FAX 414-263-8483  
TTY 414-263-8713

March 27, 2001

Mr. Victor Kalvaitis  
13825 W. National Ave.  
New Berlin WI 53151

Subject: Final Closure Letter for Enterprized Citgo II, 227 W. Holt Ave., Milwaukee, WI

FID: 241108120  
BRRTS: 03-41-003312

Dear Mr. Kalvaitis:

I have received the groundwater well abandonment forms from Moraine Environmental on this date for the above-named site. The Department apologizes for the delay in issuing the final closure letter for this site. Apparently, the Department did not receive the forms as required in Ms. McGee's letter dated October 6, 1998. Therefore, based on the investigation and remedial documentation provided to the Department, it appears that the above-named site is in compliance with the requirements of Chs. NR 700 to 726, Wis. Admin. Code, as applicable. Therefore, the Department considers the case closed and tracked as such, having determined that no further action is necessary at the site at this time. However, the case may be reopened pursuant to S. NR 726.09, Wis. Admin. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment.

The Department appreciates the actions you have taken to investigate and remediate the contamination at this site. If you have any questions or comments, please feel free to contact me at the above address or at (414) 263-8644. Please refer to the FID number at the top of this letter in any future correspondence. Future correspondence should be sent directly to the Remediation and Redevelopment Program Assistant Vicki Stovall (263-8680) at the above address.

Sincerely,

John J. Hnat  
Hydrogeologist  
Remediation and Redevelopment

C: Jeff Larkin, Moraine Environmental  
Jim Johannon, Fax: 414/383-0445  
WDNR SER Files

DECLARATION OF RESTRICTION

In Re: Southwest ¼ of the Northeast ¼ of Section 17, Township 6 North, Range 22 East,  
Milwaukee County, City of Milwaukee, Wisconsin

Property Address: 227 West Holt Avenue, Milwaukee, Wisconsin

Property Owner:	Mr. Victor F. Kalvaitis	Former Property Owner & PECFA Claimant:
	V & K Citgo	Mr. Keith Hammernik
	13825 West National Avenue	Enterprized
	New Berlin, Wisconsin 53151	9530 W. National Avenue
		West Allis, Wisconsin 53227

STATE OF WISCONSIN )

COUNTY OF WAUKESHA )

WHEREAS, Victor Kalvaitis is the current owner of the above-described property; and

WHEREAS, it is the desire and intention of the property owner to impose on the property a restriction which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time;

WHEREAS, one or more gasoline and diesel fuel discharges have occurred at this property. Methyl-tert-butyl Ether (MTBE) contaminated groundwater above NR 140 enforcement standards of 60 ug/l exist on this property at the following location, at monitoring well MW-1 which is located in the southwestern quarter of the property.

Groundwater MTBE concentrations within monitoring well MW-1 have ranged between 32 to 225 parts per billion, with the most recent sample (collected in February 1997) having a MTBE concentration of 66 parts per billion.

WHEREAS, natural attenuation under ch. NR 726.05 has been approved by the Wisconsin Department of Natural Resources (WDNR) to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

Now THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restriction.

- 1) Anyone who proposes to construct or reconstruct a potable well on this property is required to contact the Department of Natural Resources Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable prior to constructing or reconstructing a potable well on this property.

Declaration of Restrictions  
January, 1993

Page 2

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors or assigns. The Department, or its successors or assigns may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

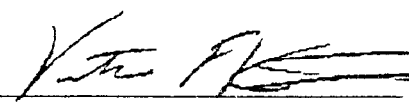
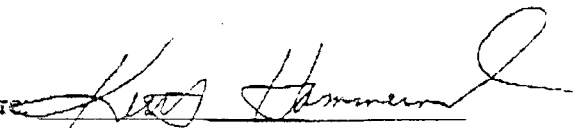
Also, please note that approximately 225 tons of inaccessible petroleum impacted soil exists on the property in four separate areas. Should the impacted soil become accessible in the future, the WDNR may require remediation of the soil at the expense of the former property owner, Mr. Keith Hammernik, at that time.

Should the WDNR or any other agency having the power to re-open the project and require further investigative or remedial action, the responsibility of such action shall revert to Mr. Keith Hammernik, the former property owner. If the case is reopened, it is likely that the PECFA fund would pay for the remediation costs involved.


Finally, Mr. Keith Hammernik is only responsible for subsurface soil and groundwater contaminant conditions that were a result of his fueling operations prior to the sale of the property to Mr. Victor F. Kalvaitis on November 18, 1993. Any petroleum releases that have occurred (none to MEI's knowledge), or could potentially occur in the future, are the responsibility of Mr. Kalvaitis.

Any person who is or becomes owner of the property described above may request in writing that the Wisconsin Department of Natural Resources or its successor issue a determination that the restriction set forth in this covenant are no longer required. Upon the written receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restriction contained herein can be extinguished.

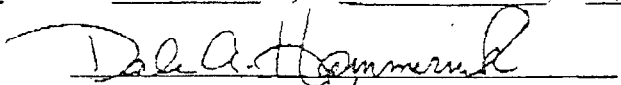
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restriction, this 16th day of June, 1998.

Signature: Signature: Printed Name: Victor F. KalvaitisPrinted Name: Keith Hammernik

Subscribed and sworn to before me  
this 16th day of June, 1998.

  
Notary Public, State of Wisconsin  
My commission 7/25/98

Subscribed and sworn to before me  
this 16th day of June, 1998.

  
Notary Public, State of Wisconsin  
My commission 7/28/98

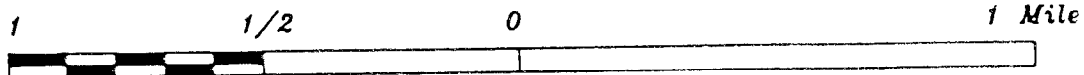
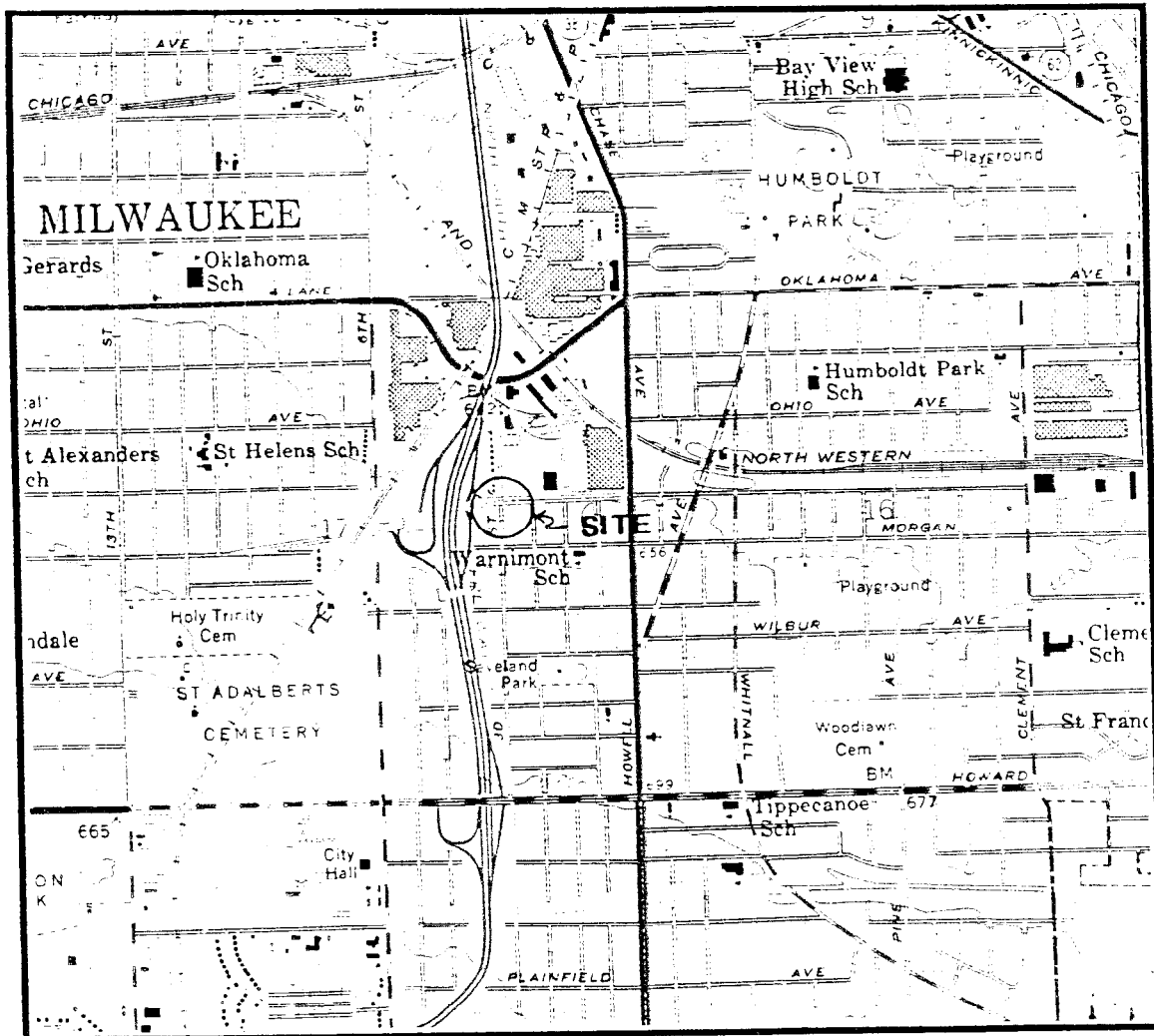
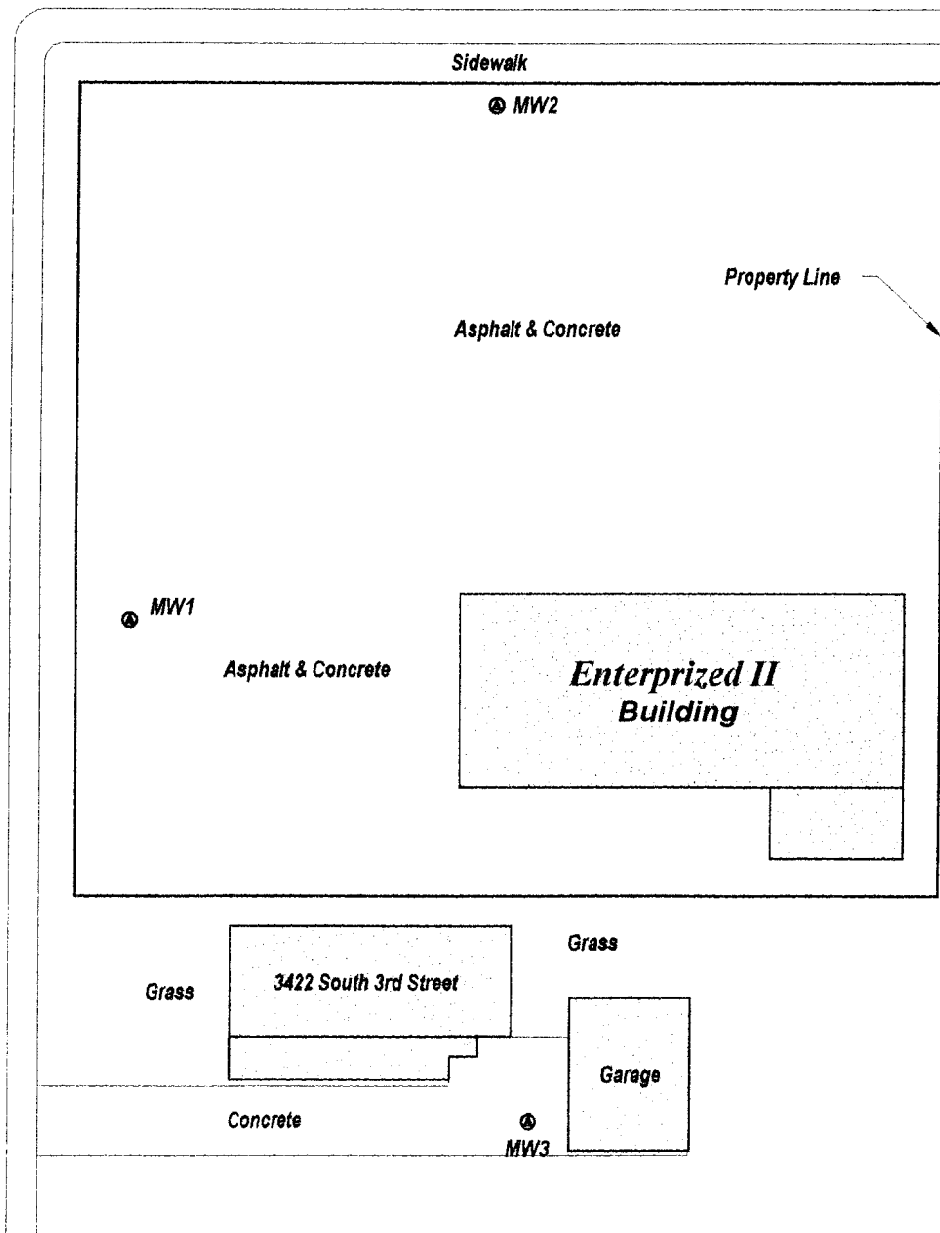


	Figure 1
Enterprised 227 West Holt Avenue Milwaukee, Wi	DRAWN BY: DHM REVISED:
SITE LOCATION MAP	DRAWING NO.

*West Holt Avenue*

*South Third Street*



**LEGEND**

Ⓜ Groundwater Monitoring Well Location

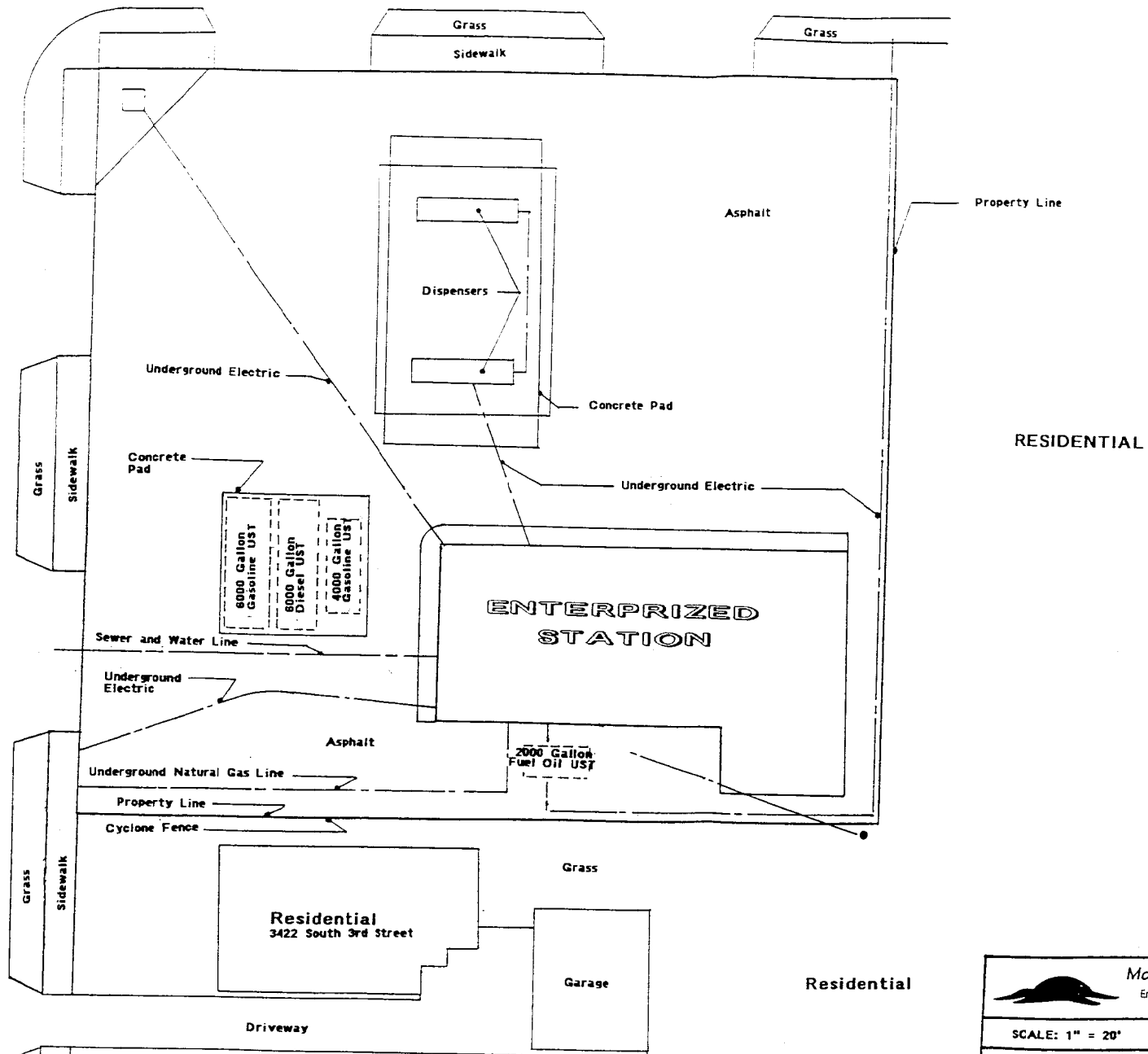
*Approximate Scale: 1" = 30'*



SITE NAME AND LOCATION <b><i>Enterprized II</i></b> 227 West Holt Avenue Milwaukee, Wisconsin		
DRAWING CO. <b><i>Moraine Environmental, Inc.</i></b>		
DRAWING NAME <b><i>Groundwater Monitoring Well Location Map</i></b>		
DRAWING SCALE <b>1" = 30'</b>	DATE OF DRAWING <b>2-5-97</b>	FIGURE NUMBER <b>2</b>

WEST HOLT AVENUE

SOUTH 3RD STREET



Moraine Environmental, Inc.  
Environmental Management Services

SCALE: 1" = 20'

DATE: SEPTEMBER 22, 1993

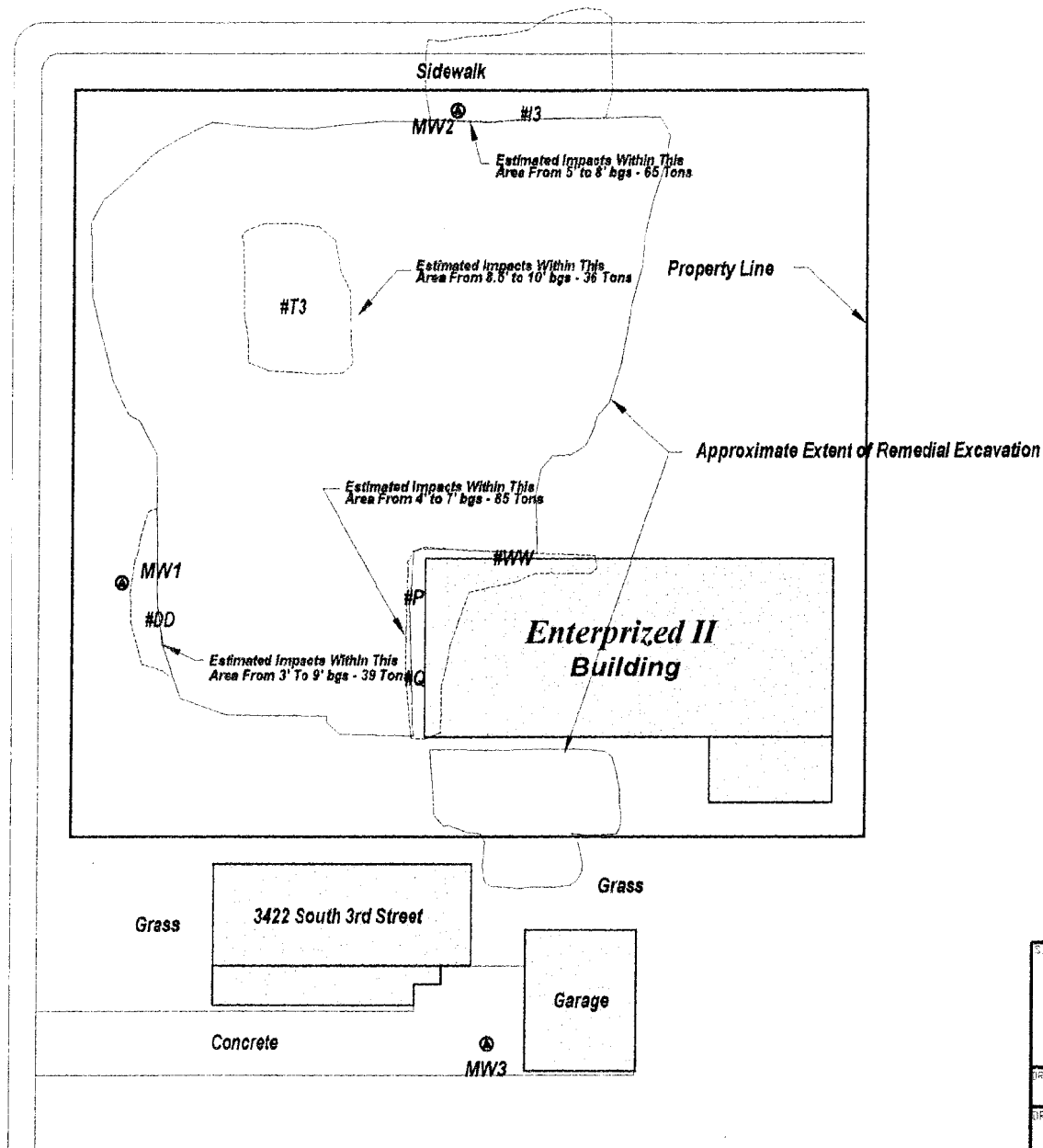
ENT  
227 WE  
MILWA

DF

SITE PLAN MAP


*West Holt Avenue*

*South Third Street*



### LEGEND

Ⓐ Groundwater Monitoring Well Location

 Approximate Extent of Remaining Soil Impacts Which Exceed NR 720 Generic Cleanup Standards

*Note: As Part Of A Complete Station Upgrade In 1993, The Entire Site Is Covered With Asphalt Or Concrete*

*Approximate Scale: 1" = 30'*



SITE NAME AND LOCATION		
<b>Enterprized II</b> 227 West Holt Avenue Milwaukee, Wisconsin		
DRAWING CD		
Moraine Environmental, Inc.		
DRAWING NAME		
<b>Remaining Impacted Soil Extent Map</b>		
DRAWING SCALE	DATE OF DRAWING	FIGURE NUMBER
<b>1" = 30'</b>	<b>2-5-97</b>	<b>4</b>

*West Holt Avenue*

Sidewalk

① MW2  
92.88'

Property Line

Asphalt & Concrete

① MW1  
93.64'

Asphalt & Concrete

**Enterprized II  
Building**

Grass

**3422 South 3rd Street**

Grass

Garage

Concrete

① MW3  
95.86'

96'

92'

93'

94'

95'

*South Third Street*



**LEGEND**

① Groundwater Monitoring Well Location

Approximate Scale: 1" = 30'



SITE NAME AND LOCATION

**Enterprized II**  
227 West Holt Avenue  
Milwaukee, Wisconsin

DRAWING CO.

**Moraine Environmental, Inc.**

DRAWING NAME

**Groundwater Contour Map**

DRAWING SCALE

**1" = 30'**

DATE OF DRAWING

**1-31-97**

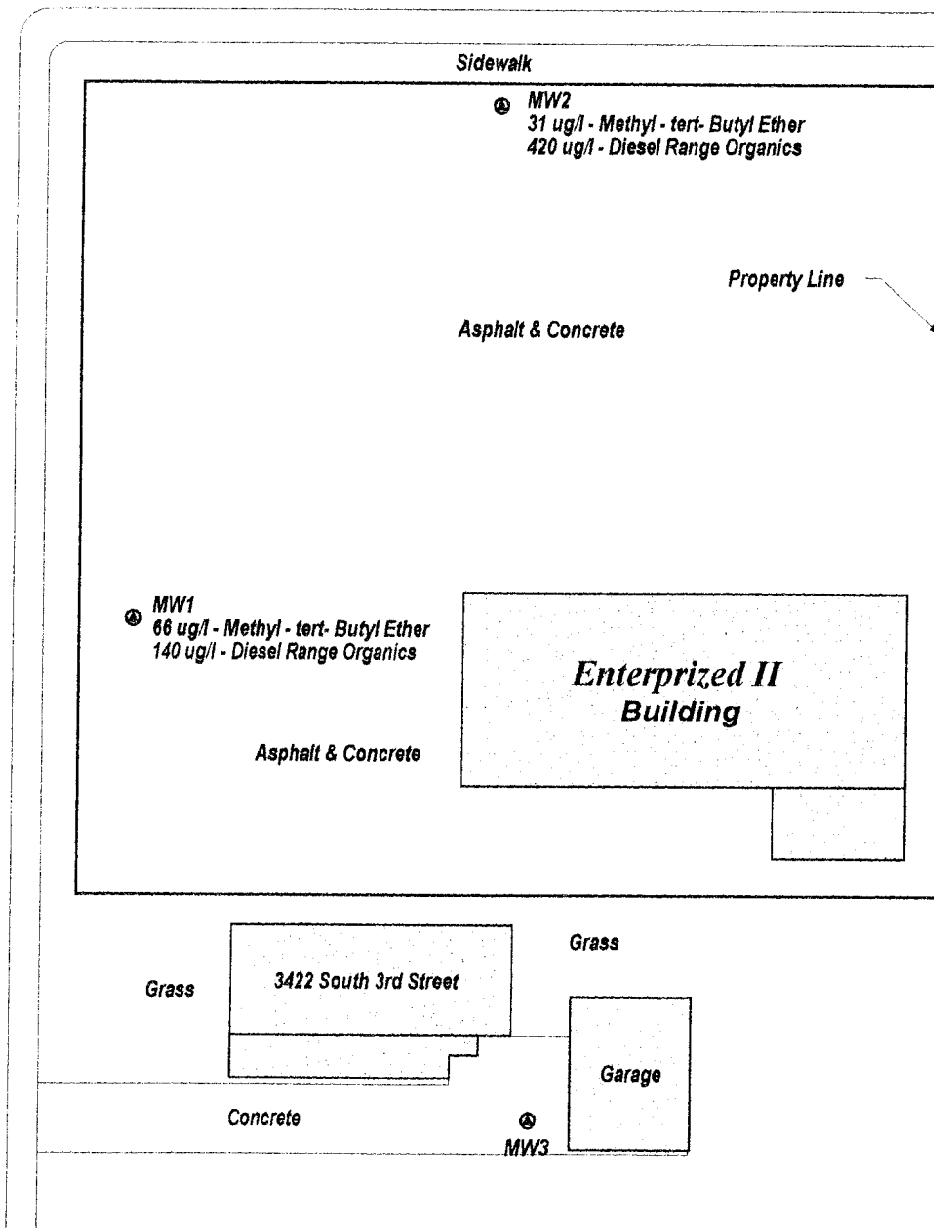
FIGURE NUMBER

**6**



*West Holt Avenue*

*South Third Street*



**LEGEND**

Ⓐ Groundwater Monitoring Well Location

*Approximate Scale: 1" = 30'*



SITE NAME AND LOCATION		
<b>Enterprized II</b> 227 West Holt Avenue Milwaukee, Wisconsin		
DRAWING CO. <b>Moraine Environmental, Inc.</b>		
DRAWING NAME <b>Groundwater Quality Results - February 19, 1997</b> Detectable PVOC and DRO Only		
DRAWING SCALE <b>1" = 30'</b>	DATE OF DRAWING <b>2-5-97</b>	FIGURE NUMBER <b>3</b>

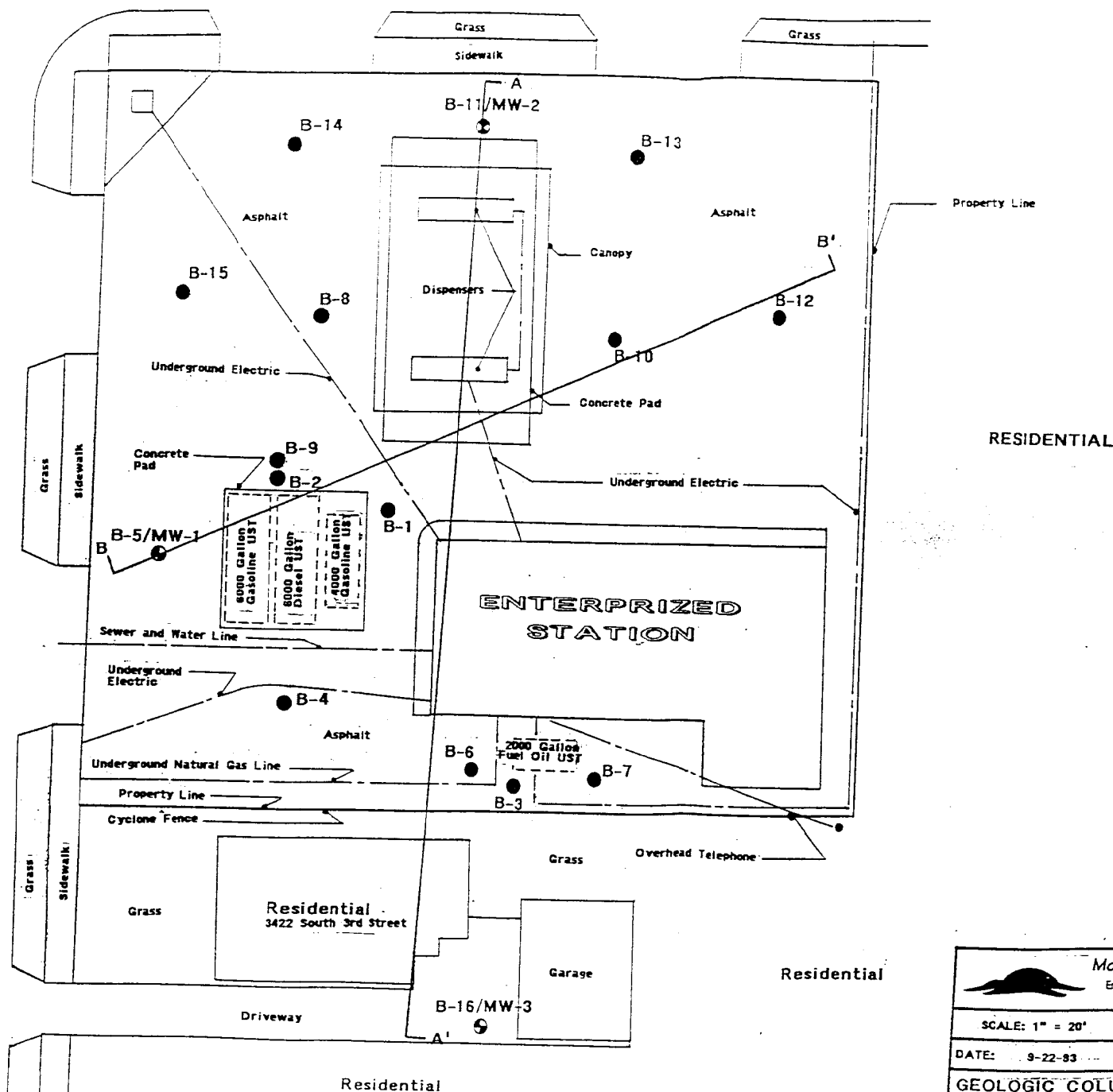
**TABLE 1**  
**Groundwater Quality Results**  
**ENTERPRIZED, 227 West Holt Avenue**  
**Milwaukee, Wisconsin , Project Reference #0267**  
**August 6, 1993 Through February 19, 1997**

Parameter	MW-1								MW-2								MW-3								Enforcement Standard  (ES)	Preventive Action Limit  (PAL)
	8-6-93	9-1-93	2-22-94	5-10-94	11-8-94	5-11-95	8-31-95	2-19-97	8-6-93	9-1-93	2-22-94	5-10-94	11-8-94	5-11-95	8-31-95	2-19-97	8-6-93	9-1-93	2-22-94	5-10-94	11-8-94	5-11-95	8-31-95	2-19-97		
Soluble Lead	NA	NA	NA	NA	ND	ND	ND	NA	NA	NA	NA	NA	ND	ND	ND	NA	NA	NA	NA	NA	ND	ND	ND	NA	15.0	1.5
GRO	939	NA	110	420	ND	66	52	ND	51.7	NA	ND	ND	85	ND	63	ND	ND	NA	ND	ND	ND	ND	ND	ND	NSE	NSE
DRO	256	ND	ND	ND	310	120	ND	140	781	410	150	ND	ND	840	520	420	74.5	ND	ND	ND	ND	ND	ND	ND	NSE	NSE
Benzene	<b>191</b>	<b>64</b>	<b>3.0</b>	<b>48</b>	ND	<b>9.1</b>	ND	ND	<b>6.1</b>	<b>7.1</b>	ND	<b>0.6</b>	<b>2.1</b>	<b>1.5</b>	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	NSE	NSE
n-Butylbenzene	ND	4.5	NA	NA	NA	NA	NA	ND	ND	ND	NA	NA	NA	NA	NA	ND	ND	ND	NA	NA	NA	NA	NA	ND	5.0	0.5
Ethyl Benzene	23.4	27	ND	19	ND	2.6	ND	ND	ND	ND	ND	ND	ND	1.3	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	NSE	NSE
Isopropylbenzene	ND	1.5	NA	NA	NA	NA	NA	ND	ND	1.7	NA	NA	NA	NA	NA	ND	ND	ND	NA	NA	NA	NA	NA	ND	700	140
MTBE	<b>225</b>	<b>100</b>	<b>32</b>	<b>160</b>	<b>59</b>	<b>59</b>	<b>68</b>	<b>66</b>	<b>77.5</b>	<b>77</b>	<b>71</b>	<b>76</b>	<b>62</b>	<b>39</b>	<b>63</b>	<b>31</b>	ND	ND	ND	ND	ND	ND	ND	ND	NSE	NSE
Naphthalene	6.1	7.4	NA	NA	NA	NA	NA	ND	2.0	4.3	NA	NA	NA	NA	NA	ND	ND	ND	NA	NA	NA	NA	NA	ND	60	12
n-Propylbenzene	ND	2.4	NA	NA	NA	NA	NA	ND	ND	1.2	NA	NA	NA	NA	NA	ND	ND	ND	NA	NA	NA	NA	NA	ND	40	8.0
Toluene	37.5	4.9	ND	2.3	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	NSE	NSE
1,2,4-TMB	24.1	20	ND	8.2	ND	2.0	ND	ND	1.1	ND	ND	ND	ND	1.3	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	343	68.6
1,3,5-TMB	11.5	9.9	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	NSE	NSE
Total Xylenes	<b>259.1</b>	78	ND	8.6	ND	ND	ND	ND	1.4	1.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	NSE	NSE
																									620	124

Key:  
 N/D - No Detection  
 N/A - Not Analyzed  
 NSE - No Standard Established  
 TMB - Trimethyl benzene  
 GRO - Gasoline Range Organics  
 DRO - Diesel Range Organics  
 MTBE - Methyl-Tert-Butyl-Ether  
 Bold and Shaded Exceed ES or PAL  
 All results reported in micrograms/liter (ug/l)


WEST HOLT AVENUE

SOUTH 3RD STREET



# KEY

- Soil Boring Locations
- ⊕ Soil Boring-Groundwater Monitoring Well Locations

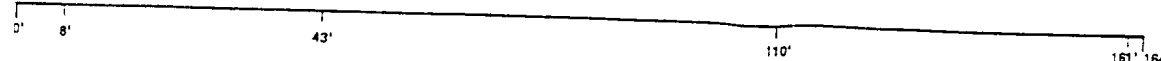
 Moraine Environmental, Inc. Environmental Management Services		ENTERPRIZED 227 WEST HOLT AVENUE MILWAUKEE, WISCONSIN	
SCALE: 1" = 20'		DRAWN BY: JML	APP. BY:
DATE: 9-22-93			
GEOLOGIC COLUMNAR SECTION LOCATION MAP		FIGURE 7	

NORTH-NORTHEAST

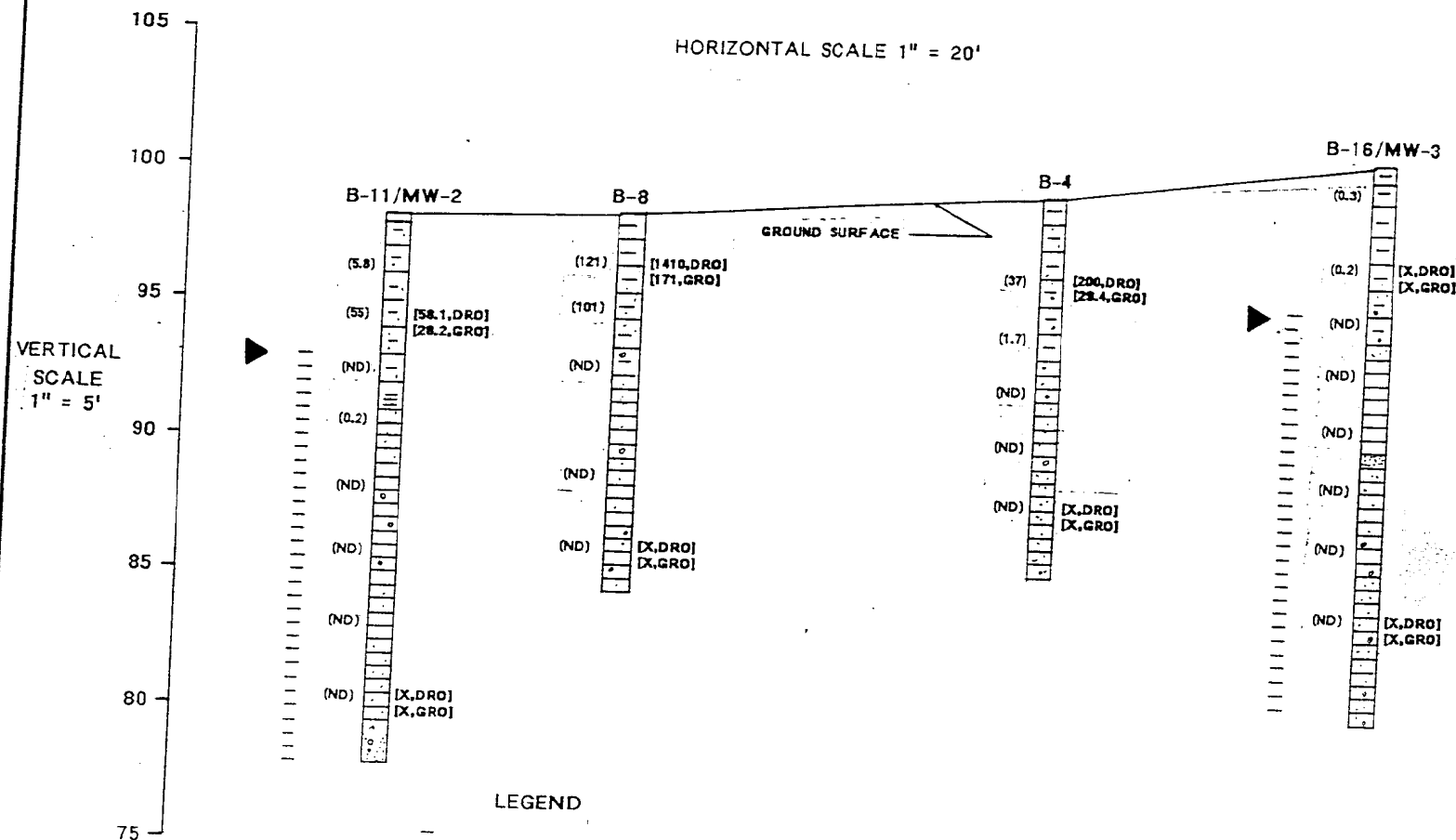
SOUTH-SOUTHEAST

A

A'



HORIZONTAL SCALE 1" = 20'



## LEGEND

- WELL SCREEN

- STATIC WATER LEVEL

( ) - ORGANIC VAPOR METER IN PARTS PER MILLION (PPM) SHOWN TO THE LEFT OF COLUMN

[ ] - GASOLINE RANGE ORGANIC (GRO) AND DIESEL RANGE ORGANIC (DRO) VALUES IN ug/g SHOWN TO THE RIGHT OF COLUMN

BROWN SILTY CLAY

POORLY SORTED SANDS AND GRAVELS

BROWN CLAYEY SILT

NOTE: [X] INDICATES THE SAMPLE WAS ANALYZED BUT NOT DETECTED

Moraine Environmental, Inc. Environmental Management Services		<b>ENTERPRIZED</b> 227 WEST HOLT AVENUE MILWAUKEE, WISCONSIN	
SCALE:		<b>FIGURE 8</b>	DRAWN BY: JML
DATE:	9-22-93		REVISED:
GEOLOGIC COLUMNAR SECTION FROM A TO A'			
			DRAWING NUMBER

SOUTHWEST

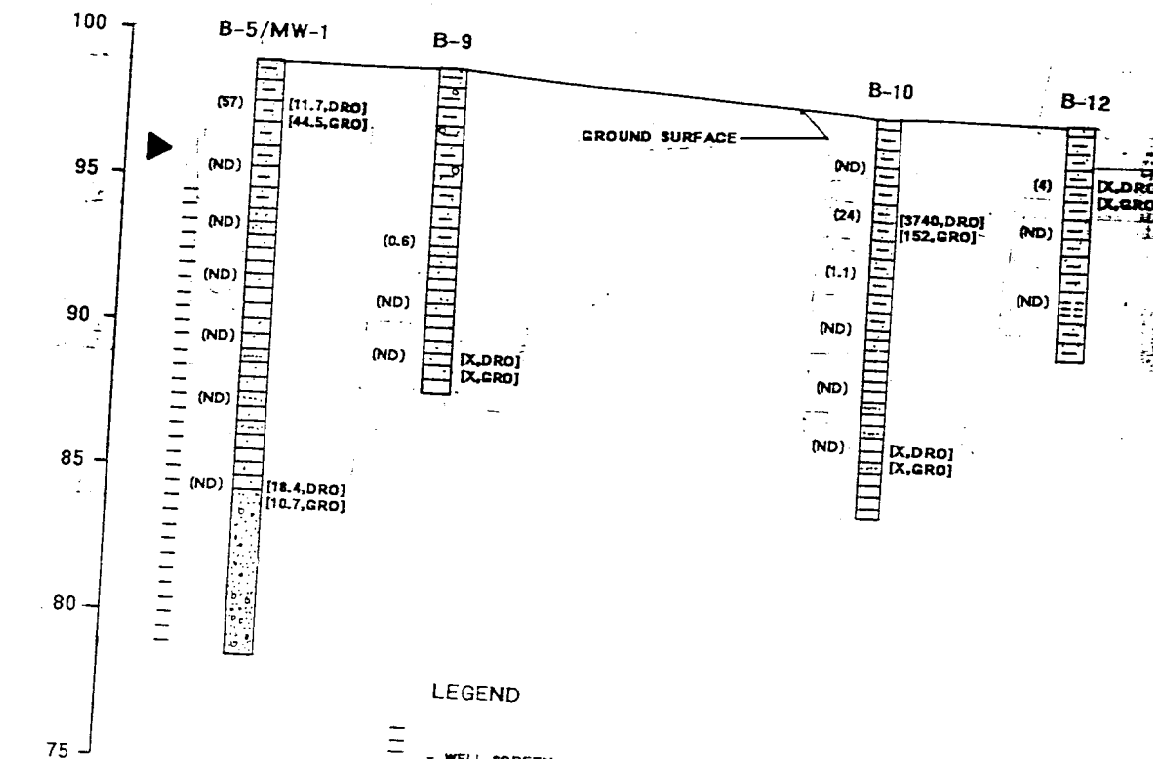
NORTHEAST

B

B'

HORIZONTAL SCALE 1" = 20'

VERTICAL  
SCALE  
1" = 5'



# LEGEND

— WELL SCREEN

▶ — STATIC WATER LEVEL

( ) — ORGANIC VAPOR METER VALUES IN PARTS PER MILLION (PPM) SHOWN TO THE LEFT OF THE COLUMN

[ ] — GASOLINE RANGE ORGANIC (GRO) AND DIESEL RANGE ORGANIC (DRO) VALUES IN ug/s SHOWN TO THE RIGHT OF THE COLUMN

— BROWN SILTY CLAY

— BROWN CLAYEY SILT

— POORLY SORTED SANDS AND GRAVELS

NOTE: [X] INDICATES THE SAMPLE WAS ANALYZED BUT NOT DETECTED

<p>Moraine Environmental, Inc. Environmental Management Services</p>		<p><b>ENTERPRIZED</b> 227 WEST HOLT AVENUE MILWAUKEE, WISCONSIN</p>	
<p>SCALE:</p>		<p><b>FIGURE 9</b></p>	
<p>DATE: 9-21-93</p>		<p>DRAWN BY: JML</p>	
<p>GEOLOGIC COLUMNAR SECTION FROM B TO B'</p>		<p>REVISED:</p>	
<p>DRAWING NUMBER</p>		<p></p>	